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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/591,264

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Keishi Okamoto

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EXAMINER

NGUYEN, HUY THANH

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

10/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,264	Applicant(s) OKAMOTO ET AL.	
	Examiner HUY T. NGUYEN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/08/09, 4/07/09, 8/31/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 10-12 direct to mere data without specifying means or method to process the data. See MPEP 2100.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Vigneaux et al (5,852,435).

Regarding claims 1, 4, 7 and 10, Vigneaux discloses a recording apparatus (Fig. 3, column 4, lines 24-35, column 7, lines 18-32 which records a first data with a high resolution and a second data with a resolution lower than the resolution of the first data as separate files, the first data and the second data being generated from a same

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video and audio source, said recording apparatus comprising:

an input unit operable to receive the video and audio source from outside;

a first coding unit operable to code the video and audio source inputted from said input unit in order to generate the first data;

a second coding unit operable to code the video and audio source inputted from said input unit in order to generate the second data, the second data being coded with a resolution lower than a resolution of the first data (column 10, lines 35-57); and

a recording unit operable to record at least the data coded by said first coding unit onto a recording medium,

wherein the second data includes identification information unique to the first data.

Further Vigneaux teaches editing the data (column 9).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 2,5,8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vigneaux in view of Basso et al (6,292,805) in view of Wilkinson et al ("Tool and Technique for Globally Unique Content Identification" pages 795-799, cited in IDS filed 31 August 2006)) .

Regarding claims 2, 5, 8, and 11, Vigneaux further teaches a file format of second data is a MPEG format but fails to specifically teach using MPEG 4 format.

Basso teaches using MPEG 4 format for data. It would have been obvious to one of ordinary skill in the art to modify Vigneaux with Basso by using MPEG 4 well known in the art as taught by Basso as an alternative format file to the file format of Vigneaux.

Basso further teaches storing identifier in a box of MPEG 4 format (Fig. 1, column 4) but fails to specifically teach that the identifier is a Unique Material Identifier and the Unique Material Identifier stored in a skip box.

Wilkinson teaches using a Unique Material Identifier stored in skip box (page 798).

It would have been obvious to one of ordinary skill in the art to modify Vigneaux as modified with Basso with Wilkinson by provide the identifier of Vigneaux as a Unique Material Identifier in a skip box of MPEG 4 format thereby reducing the interference between the Identifier and data .

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6. Claims 3,6,9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vigneaux in view of Basso et al (6,292,805) in view of Wilkinson ("Tool and Technique for Globally Unique Content Identification" cited in IDS 01 August 2006)) as applied to 2,3,5,8 and 11 above , further in view of Chatani et al (7,113,693).

Vigneaux as modified with Basso and Wilkinson fails to specifically teach storing a medium identifier in skip box. Chatani teaches using a medium identifier ID (column 2, lines 30-45) . It would have been obvious to one of ordinary skill in the art to modify Vigneaux as modified with Basso and Wilkinson Chatani by providing the medium of Vigneaux as modified with Basso and Wilkinson with an identifier in a skip box thus providing more convenience to the user in retrieving the data.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ishige teaches recording low and high resolution data .

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/

Primary Examiner, Art Unit 2621